

# KING & SPALDING, LLP

191 Peachtree Street  
Atlanta, Georgia 30303-1763  
Telephone: 404/572-4600  
Facsimile: 404/572-5100  
[www.kslaw.com](http://www.kslaw.com)

## FAX TRANSMITTAL SHEET

RECEIVED  
CENTRAL FAX CENTER

OCT 17 2005

October 17, 2005

TO: Examiner A. Bello  
GAU 2633  
U.S. Serial No. 10/601,745

Company: U.S. Patent and Trademark Office

Fax #: 571-273-8300

City/State: Alexandria, VA 22313

Mail Stop RCE

FROM: Steven P. Wigmore

5551

Our Ref. #:

08286.105020

NUMBER OF PAGES (including transmittal sheet): 16 *JW*

### CONFIDENTIALITY NOTICE

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED FOR THE USE OF THE ADDRESSEE LISTED ABOVE. IF YOU ARE NEITHER THE INTENDED RECIPIENT NOR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THIS MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISCLOSURE, COPYING, DISTRIBUTION OR THE TAKING OF ANY ACTION IN RELIANCE ON THE CONTENTS OF THIS TELECOPIED INFORMATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS TELECOPY IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE TO ARRANGE FOR RETURN OF THE ORIGINAL DOCUMENTS TO US.

If transmission problems occur or you are not the intended recipient, please call 404.572.2459 immediately. Thank you.

### Notes/Comments:

#### Documents Submitted Via Facsimile:

Applicant: John J. Kenny

Serial No.: 10/601,745

Filed: June 23, 2003

For: *JW* System and Method for Increasing Upstream Communication Efficiency in an Optical Network

Papers Faxed: RCE in duplicate (2-pgs.); One Month Extension of Time in Duplicate (2-pgs.)  
Amendment Transmittal in Duplicate (2-pgs.) and Amendment Under 37 CFR § 1.116 (9-pgs.).

RECEIVED  
OICE/IAP  
OCT 18 2005

*Received 3 pgs.  
out of 16*

<b>Request for Continued Examination (RCE) Transmittal</b>  Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995. See the American Inventors Protection Act of 1999 (AIPA).	Application No.	10/601,745	<b>RECEIVED</b> <b>CENTRAL FAX CENTER</b>  <b>OCT 17 2005</b>
	Filing Date	June 23, 2003	
	Named Inventor(s)		
	John J. Kenny		
	Group/Art Unit	2633	
Examiner Name	Agustin Bello		
Attorney Docket No.	08286.105020		

This is a Request for Continued Examination (RCE) under 37 CFR § 1.114 of the above-identified application.

**NOTE:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53(d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice. Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (mar. 30, 2000), 1222 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

**1. Submission required under 37 C.F.R. § 1.114**

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 CFR §1.116 previously filed on \_\_\_\_\_. (Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_.
- iii. ☐ Other \_\_\_\_\_.
- b. ☒ Enclosed
- i. ☒ Amendment and Response Submitted Under 37 C.F.R. 1.116.
- ii. ☒ One-Month Petition for Extension of Time.
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other.

**2. Miscellaneous**

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR § 1.17(i) required)
- b. ☐ Other \_\_\_\_\_.

**3. Fees** (The RCE fee under 37 CFR § 1.17(e) is required by 37 CFR § 1.114 when the RCE is filed.)

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 11-0980.
- i. ☒ RCE Fee required under 37 CFR § 1.17(e) [Fee: \$395.00]
- ii. ☒ One-Month Extension of time fee \$60.00 (37 CFR §§ 1.136 and 1.17)
- iii. ☐ Other \_\_\_\_\_.
- b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

**Signature of Applicant, Attorney or Agent Required**

Steven P. Wigmore, Esq.  
KING & SPALDING LLP  
45<sup>th</sup> Floor, 191 Peachtree Street, N.E.  
Atlanta, Georgia 30303

By: \_\_\_\_\_ Reg. No. 40,447  
Date: October 17, 2005  
Telephone: 404.572.4600 Facsimile: 404.572.5145  
Customer No. 20786

**Certificate of Mailing or Transmission**

I hereby certify that this correspondence is being facsimile transmitted to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. Attn: GAU: 2633. Examiner A. Bello, Facsimile No. 571-273-8300 on October 17, 2005.

Steven P. Wigmore, Reg. No. 40,447

02 FC:2251 60.00 DA  
PAGE 2/3 RCVD AT 10/17/2005 4:52:13 PM [Eastern Daylight Time] \* SVR:USPTO-EFAX-6/27 \* DNIS:2738300 \* CSID:404 572 5145 \* DURATION (mm-ss):01-48

BEST AVAILABLE COPY